

## REMARKS

This is a full and timely response to the outstanding final Office Action mailed September 22, 2005 (Paper No./Date 20050915). Applicants should not be presumed to agree with any statements made in the Office Action unless otherwise specifically indicated by Applicants.

### I. Response to Claim Rejection Under 35 U.S.C. §102

Claims 1-24 stand rejected under 35 U.S.C. §102(e) as allegedly unpatentable over U.S. Patent No. 6,738,978 to *Hendricks, et al.*

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

#### A. Claims 1 and 5

1. A method for providing a television menu comprising:
  - receiving a plurality of television channels provided by a respective plurality of television services via a settop terminal (STT);
  - storing definitional information regarding a plurality of television menus in which each of the television menus includes at least one television menu option, the at least one television menu option being defined for each of the television menus based on each television service;
  - associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by the respective plurality of television services;***
  - selecting one of the plurality of television channels via the STT;
  - receiving an input signal from a user to provide a television menu;
  - responsive to the input signal, identifying a television service corresponding to the selected television channel currently being provided to the user via the STT; and
  - providing one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service for the selected television channel,
  - wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of***

***the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel.***

(Emphasis Added)

5. A programmable television services client device that provides television control services, said client device comprising:  
a device for selecting one of a plurality of television channels provided by a respective plurality of television services;  
memory for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service; and  
a processor coupled to said memory that is configured to receive an input signal from a user, responsive to the input signal identify a television service corresponding to the selected television channel that is currently being provided to the user, ***associate each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by the respective plurality of television services***, and provide the corresponding one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service for the selected television channel,  
***wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel.***

(Emphasis Added)

Applicants respectfully submit that *Hendricks* fails to teach or disclose the above-emphasized elements of claims 1 and 5. The Office Action referred to menu 1310 of *Hendricks* in Fig. 35A to disclose a television menu having three options based on an interactive service for the tuned television channel. Assuming arguendo, that the *Hendricks* television menu option is provided for the interactive service, Applicants respectfully submit that the *Hendricks* television menu is only provided for one type of service, which is the interactive service.

Accordingly, Applicants respectfully assert that nowhere does *Hendricks* disclose the feature of “associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by the respective plurality of television services; ... wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television,” as recited in claim 1, and similarly recited in claim 5. Accordingly, a *prima facie* case of anticipation cannot be established based on *Hendricks*. Applicants respectfully request that claims 1 and 5 be allowed for at least this reason, among other.

B. Claims 9, 14 and 23

9. A programmable television services client device that provides television control services, said client device comprising:  
a device for selecting one of a plurality of television services;

memory for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service; and

a processor coupled to said memory that is configured to receive an input signal corresponding to a menu command, and responsive to receiving the input signal identify a television service that is currently being provided to the user, *associate each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television services*, and provide the corresponding one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service,

*wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television service of the plurality of television services in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television service.*

(Emphasis Added)

14. A method for providing a television menu comprising:  
receiving a plurality of television services via a settop terminal (STT);  
storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service;  
selecting one of the plurality of television services via the STT;  
receiving an input signal corresponding to a menu command to provide a television menu based on the selected television service;  
responsive to receiving the input signal, identifying a television service that is currently being provided to the user via the STT;  
***associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television services; and***  
providing the corresponding one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service that is currently being provided to the user via the STT,  
***wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television service of the plurality of television services in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television service.***

(Emphasis Added)

23. A programmable television services client device that provides television control services, said client device comprising:  
means for selecting one of a plurality of television services;  
means for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service;  
means for receiving an input signal corresponding to a menu command; and  
responsive to the input signal,  
means for identifying a television service that is currently being provided to the user,  
***means for associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television services, and***  
means for providing the corresponding one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service,  
***wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television service of the plurality of television services in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television service.***

(Emphasis Added)

As mentioned above with reference to claims 1 and 5, Applicants respectfully submit that *Hendricks* fails to teach or disclose the above-emphasized elements of claims 9, 14 and 23. The Office Action referred to menu 1310 of *Hendricks* in Fig. 35A to disclose a television menu having three options based on an interactive service for the tuned television channel. Assuming arguendo, that the *Hendricks* television menu option is provided for the interactive service, Applicants respectfully submit that the *Hendricks* television menu is only provided for one type of service, which is the interactive service.

Accordingly, Applicants respectfully assert that nowhere does *Hendricks* disclose “associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television services; ... wherein a corresponding one of the

television menus of the plurality of television menus is provided for each and every television service of the plurality of television services in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television service,” as recited in claim 9, and similarly recited in claims 14 and 23. Accordingly, a *prima facie* case of anticipation cannot be established based on *Hendricks*. Applicants respectfully request that claims 9, 14 and 23 be allowed for at least this reason, among other.

C. Claims 19 and 21

19. A programmable television services client device that provides television control services, said client device comprising:  
a device for selecting one of a plurality of television channels;

memory for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television channel; and

a processor coupled to said memory that is configured to receive an input signal from a user, responsive to the input signal identify a television channel that is currently being provided to the user, ***associate each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by a respective plurality of television services***, and provide the corresponding one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television channel,

***wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel.***

(Emphasis Added)

21. A programmable television services client device that provides television control services, said client device comprising:

- means for selecting one of a plurality of television channels;
- means for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television channel;
- means for receiving an input signal from a user; and responsive to the input signal,
- means for identifying a television channel that is currently being provided to the user,
- means for associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by a respective plurality of television services, and***
- means for providing the corresponding one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television channel,
- wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel.***

(Emphasis Added)

As mentioned above with reference to claims 1 and 5, Applicants respectfully submit that *Hendricks* fails to teach or disclose the above-emphasized elements of claims 19 and 21. The Office Action referred to menu 1310 of *Hendricks* in Fig. 35A to disclose a television menu having three options based on an interactive service for the tuned television channel. Assuming arguendo, that the *Hendricks* television menu option is provided for the interactive service, Applicants respectfully submit that the *Hendricks* television menu is only provided for one type of service, which is the interactive service.

Accordingly, Applicants respectfully assert that nowhere does *Hendricks* disclose “associate each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by a respective plurality of

television services; ...wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel,” as recited in claim 19, and similarly recited in claim 21.

Accordingly, a prima facie case of anticipation cannot be established based on Hendricks.

Applicants respectfully request that claims 19 and 21 be allowed for at least this reason, among other.

D. Claims 2-4, 6-8, 10-13, 15-18, 20, 22 and 24

Because independent claims 1, 5, 9, 14, 19, 21, and 23 are allowable over the cited art of record, dependent claims 2-4, 6-8, 10-13, 15-18, 20, 22, and 24 are allowable as a matter of law for at least the reason that dependent claims 2-4, 6-8, 10-13, 15-18, 20, 22, and 24 contain all steps/features/elements of their respective independent base claims. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicants respectfully request that the rejection to dependent claims 2-4, 6-8, 10-13, 15-18, 20, 22, and 24 be withdrawn for this reason alone, among others.




## CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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